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16179 U.S.PTO  
103103

22278 U.S.PTO  
10/697886

103103

Date: October 31, 2003

Docket No.: 0032-0284P

**MS PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/942,709 filed on August 31,  
2001, the entire contents of which are hereby incorporated by  
reference,  
by

Tetsuo TSUJI, Ken INOUE, Akira YAMAUCHI, Masao KONO and Ken'ichi  
IGANO

for

**MONOCLONAL ANTIBODY RECOGNIZING C-TERMINUS OF HBNP**

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).

2. ☒ The filing fee has been calculated as follows:

|   |                 |                 | LARGE ENTITY  | SMALL ENTITY  |
|---|-----------------|-----------------|---------------|---------------|
| BASIC FEE   |                 |                 | \$770.00      | \$385.00      |
|   | NUMBER<br>FILED | NUMBER<br>EXTRA | RATE FEE      | RATE FEE      |
| TOTAL<br>CLAIMS   | 8-20 =          | 0               | x 18 = \$0.00 | x 9 = \$0.00  |
| INDEPENDENT<br>CLAIMS   | 3-3 =           | 0               | x 18 = \$0.00 | x 43 = \$0.00 |
| <input type="checkbox"/> MULTIPLE DEPENDENT<br>CLAIMS PRESENTED |                 |                 | + \$290.00    | + \$145.00    |
| TOTAL   |                 |                 | \$770.00      | \$0.00        |

3. ☒ A check in the amount of \$770.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☒ Enclosed is/are two (2) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 09/942,709 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to Shinogi Seiyaku Kabushiki Kaisha.
8. ☐ A Preliminary Amendment is enclosed.
- 9a. ☒ Priority of Application No(s). 3-326961 filed in Japan on November 14, 1991 is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on November 13, 1992.
- 9b. ☐ Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_ under the Patent Cooperation Treaty and \_\_\_\_\_

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103103

Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
11. ☒ Address all future communications to:
- BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000
- or
- Customer No. 02292
12. ☐ An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 09/942,709 in order to establish co-pendency with the present application.
13. ☒ Also enclosed herewith is the following:

Sequence Listing - 4 pages

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Gerald M. Murphy, Jr., #28,977

  
GMM/KJR/bsh  
0032-0284P

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Attachment(s)